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February 22, 2011

VIA ECF

Hon. B. Waugh Crigler
255 West Main Street, Room 328
Charlottesville, Virginia 22902

Re: Scott, et al. v. GMAC Mortgage, LLC
U.S. District Court-Western District Civil Action No. 3:10-cv-24

Dear Judge Crigler:

I am writing you this letter in response to Mr. Manning's letter to you dated February 21, 2011, regarding our expert's alleged "consult[ation]" with your son, Jason Crigler, "regarding preparation of his supplemental expert report." (paragraph 1 of Mr. Manning's letter).

When Mr. Manning reported to me that he intended to share this information with you, I declined to jointly send his proposed letter because Mr. Manning's letter mischaracterizes Mr. d'Oronzio's testimony and unnecessarily involves you in irrelevant minutiae. So I am a little bit embarrassed and I apologize in advance for having to send you this letter, but now feel compelled to do so in response to Mr. Manning's letter.

Mr. d'Oronzio did not testify that he "consulted your son Jason Crigler about three weeks ago regarding preparation of his supplemental expert report produced in this case on February 14, 2011." Presented in this way by Mr. Manning, your Honor is being encouraged to conclude that Mr. d'Oronzio discussed his preliminary opinions in this case with your son and that your son somehow contributed substantively to the formulation of Mr. d'Oronzio's report. This is simply not true.

What Mr. d'Oronzio testified to was that he telephoned and asked three other local mortgage brokers for any rate sheets that they happened to have in their possession for August 1, 2007, i.e., the day that GMAC locked the rate for the Scotts' loan that is the subject of this litigation. One of those other local brokers was your son. In response to Mr. d'Oronzio's

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unusual inquiry, Mr. Crigler asked what Mr. d'Oronzio needed three year old rate sheets for and Mr. d'Oronzio responded without detail that he was doing some expert work. The following day, Mr. Crigler sent Mr. d'Oronzio *via* e-mail the rate sheets that he had in his possession that met the request. Mr. d'Oronzio thanked Mr. Crigler and that was the end of the matter. Mr. Manning has requested copies of those e-mails and while I think the request is likely outside the scope of permissible discovery, I have agreed to provide them and will do so in the near future.

The parties do not yet have the benefit of Mr. d'Oronzio's deposition transcript, but I believe that the above is an accurate representation of Mr. d'Oronzio's testimony and it is the truth.

In light of the true level of contact between Mr. d'Oronzio and another mortgage broker, who happens to be your son, I did not think that there was any need to involve you. Mr. Manning is not asking for you to do anything. Moreover, Mr. Manning is not providing you with any relevant information that you do not already know. You know that this case involves the mortgage industry and I presume that you know that your son works in that industry. The fact that your son was a person who happened to have historical rate sheets from lenders other than GMAC is immaterial to any issue that you have been called upon, or may be called upon, to address in this case.

I understand from Ms. Maddox that you would like to schedule a conference call with myself and Mr. Manning. If you would still like to do so after reviewing this letter, please call me and I will make every effort to be available. I have a variety of commitments today, but am in the office all day tomorrow without any appointments.

With best regards,



Jonathan T. Wren

JTW:mpm

cc: Donald and Melissa Scott
Jason Manning, Esq.

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